

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

IN RE: LADONNA HUMPHREY, DEBTOR

DISTRICT COURT NUMBER: 5:20-cv-05048-PKH

BANKRUPTCY COURT NUMBER: 5:19-bk-72555

MOTION TO DISMISS

Come now Bianca Rucker, Chapter 7 Trustee, and Absolute Pediatric Services, Inc. d/b/a Absolute Pediatric Therapy (“Absolute”) and Anthony Christopher (“Christopher”) and for their Motion to Dismiss the appeal of Debtor LaDonna Humphrey (“Humphrey”), state:

1. On February 28, 2020, Humphrey filed her Notice of Appeal and Statement of Election appealing United States Bankruptcy Judge Ben Barry’s Order granting the Trustee’s motion for approval of sale. (Dkt. No. 74, Bankruptcy).

2. On March 18, 2020, this Bankruptcy matter was opened in this District Court to decide Humphrey’s appeal as stated above. (Dkt. No. 1)

3. On March 18, 2020, pursuant to Rule 8009 of the Rules of Bankruptcy Procedure, this Court established a briefing schedule that set a deadline of April 6, 2020 for Appellant’s (Humphrey’s) brief to be due. (Dkt. No. 2).

4. Humphrey has violated this Court’s Scheduling Order and has not timely submitted her Appellant’s Brief. (Dkt. No. 2). To date, Humphrey has not filed any brief, motion for extension of time, or any pleading at all.

5. Humphrey's appeal should be dismissed with prejudice for her failure to comply with the briefing schedule as outlined in the Court's Scheduling Order. (Dkt. No. 2). See FRBP 8009, 8011.

WHEREFORE, movants pray that the Court grant their motion to dismiss, that Humphrey's appeal be dismissed with prejudice, and for all other proper and equitable relief to which they may be entitled.

Respectfully submitted,

/s/ Bianca Rucker

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AND

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2020, a true and complete copy of the foregoing was filed with the Clerk of the Court via the CM/ECF filing system which will generate a Notice of Electronic Filing of the above pleading to all registered CM/ECF Filing Users in the above-captioned case, including Debtor and the U.S. Trustee. The foregoing has also been mailed to the following:

LaDonna Humphrey
11580 Farrar Road
Bentonville, AR 72713

/s/ Glenn S. Ritter
Glenn S. Ritter